UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA EVANSVILLE DIVISION

WEST BEND INSURANCE COMPANY,))
PLAINTIFF) CASE NO. 3:24-cv-00038-RLY-CSW)
VS.	
TIMOTHY BROWN, MEGAN BROWN)))
AND)
INTEGRITY BACKYARD BUILDS, LLC))
DEFENDANTS	,)
)))

STATEMENT OF CLAIMS AND LEGAL THEORIES

Comes the Plaintiff, West Bend Insurance Company ("West Bend"), by counsel, and pursuant to the Court's Case Management Plan, presents the following claims and legal theories it intends to prove at the trial of this action.

- 1. Kentucky law applies to the Integrity Backyard Builds policy.
- 2. The claims of Timothy and Megan Brown against Integrity Backyard Builds do not constitute "property damage" caused by an "occurrence" under Kentucky law.
- 3. The "Damage To Property" and "Damage To Your Work" exclusions bar coverage for the claims of Timothy and Megan Brown in the underlying litigation.
- 4. West Bend is not obligated to defend or indemnify Integrity Backyard Builds against the claims of Megan and Timothy Brown because there is no coverage under the policy.

5. West Bend expressly reserves and does not waive the right to assert additional defenses, exclusions, and/or provisions that are or may be available to it in this matter.

Respectfully submitted,

RICHARDSON LAW GROUP, PLLC

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COUNSEL FOR PLAINTIFF,

WEST BEND INSURANCE COMPANY

CERTIFICATE OF SERVICE

On January 3, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/Haley K. Dwyer

COUNSEL FOR PLAINTIFF, WEST BEND INSURANCE COMPANY

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